

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Establishment – Sri R.Chandrasekhar, Assistant Director, TCR & TI - Unauthorized absence from duties from 10.11.2001 to 24.5.2005- Departmental Action initiated – Enquiry conducted – Imposing penalty of removal from service under Rule 9 (ix) of APCS (CC&A) Rules, 1991 – Orders - Issued.

SOCIAL WELFARE (TW.Ser.II.2) DEPARTMENT

G.O.Rt.No. 900

Dated: 02.11.2010

Read the following:-

1. From the DTW,Hyd.Memo No.A1/14136/1999/TRI dt.10.7.2003.
2. From Sri R.Chandra Sekhar, Assistant Director, TCR & TI explanation dt.29.7.2003.
3. From the CTW,Hyd.Memo No.A1/14136/99/TRI-1 & 2 dt.20.8.2005.
4. From Sri B.V.Balayogi, J.D.(Admn.) Office of CTW and Enquiry Officer Lr.dt.25.10.2005.
5. From the CTW,Hyd. Memo Rc.No.A1/14136/TRI/99,dt.7.5.2009.
6. From Sri R.Chandra Sekhar, Asst.Director, TCR & TI explanation dt.13.5.2009.
7. From the CTW,Hyd.Lr.Rc.No.A1/14136/99/TRI,dt.5.10.2009, 23.2.2010 & 3.7.2010.
8. From the APAT,Hyd.Orders dated 1.4.2009 in O.A.No.4892/2009.
9. From the CTW, Hyd. Procs. Rc.No.A1/14136/TRI/99, Dt. 19.09.2009.
10. From the APAT orders dated 7.7.2010 in O.A.No.11589/2009 and O.A.No. 4892/2009.
11. Govt. Lr.No.5233/TW.Ser.II.2/2010, dated 27.10.2010 addressed to the APPSC, Hyd.
12. From the Prl. Secy., APPSC, Lr.No.1528/RT-I/1/10, dated 30.10.2010.

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ORDER:

Sri R.Chandrs Sekhar, Assistant Director, Tribal Cultural Research & Training Institute in his representation dated 1.11.1999 had applied to the Commissioner of Tribal Welfare, Hyderabad for permission to retire from service voluntarily w.e.f.2.11.99 and absented from duty w.e.f.2.11.99, without sanction of leave by the Competent Authority. In Progs.No.A1/14136/TRI/99, dt.14.6.2000, the Commissioner of Tribal Welfare directed the individual to report to duty, as he was unauthorisedly absent from duty after submitting his representation for voluntary retirement. The individual reported to duty on 27.6.2000. The next day i.e. 28.6.2000 he submitted application for sanction of extra-ordinary leave on medical grounds from 2.11.99 to 26.6.2000 without enclosing medical certificate. On the same day he also applied for sanction of extra-ordinary leave for 4 days from 29.6.2000 to 2.7.2000. In his further application dated 4.7.2000, Sri R.Chandra Sekhar, Assistant Director had requested for sanction of extra-ordinary leave from 29.6.2000 to 29.8.2000 on medical grounds enclosing a medical certificate. In his application dated 29.8.2000 he had requested to sanction Extra-Ordinary Leave on medical grounds from 29.8.2000 to 28.10.2000 enclosing a medical certificate. In his further application dated 30.10.2000, he had requested for sanction of leave on medical grounds upto 29.12.2000. After that date, he did not report for duty. He had only submitted a letter on 20.5.2001 requesting for voluntary retirement. The Commissioner of Tribal Welfare, Hyderabad had informed Sri R.Chandra Sekhar, Assistant Director in memo Rc.No.A1/14136/99/TRI,dated 23.3.2001 that he was not having required qualifying services to permit him to retire voluntary as per rules, and hence his request for voluntary retirement can not be considered, and he was instructed to report to duty immediately. In response to this, he reported to duty on 9.11.2001. However, from the next day i.e. 10.11.2001 he absented from duty without any intimation and without sanction of leave by the Competent Authority. The Commissioner of Tribal Welfare, Hyderabad in memo No.A1/14136/TRI/99,dt.7.3.2003 had directed Sri R.Chandra Sekhar, Assistant Director to submit his case history, record of disease with which he was suffering to place the same before the Medical Board to examine his case under Medical invalidation scheme. He did not submit any reply. The above events show that the Officer was evading duty from time to time on one reason or other without sanction of leave by the Competent Authority.

2. The Commissioner of Tribal Welfare, Hyderabad in the reference 1st read above, had framed the following charge against Sri R.Chandra Sekhar, Assistant Director for his unauthorized absence from duty w.e.f. 10.11.2001.

Charge-1:

"Sri R.Chandra Sekhar, Assistant Director, working in the office of the Director, Tribal Cultural Research & Training Institute, Hyderabad has been absenting himself from duty without any leave from 10-11-2001 and thereby committing misconduct for violating the Rule 3 of A.P.C.S. (Conduct) Rules, 1964".

3. The Commissioner of Tribal Welfare, Hyderabad had framed charge on 10.7.2003 & on the same day a letter was sent to the Superintendent Osmania General Hospital, Hyderabad to examine the case of Sri R.Chandra Sekhar, Assistant Director by the Medical Board and submit a report. The Civil Surgeon Administrator, Osmania General Hospital, Hyderabad called the Charged Officer to attend the Medical Board on 16.8.2003 at 9.00 A.M. vide his prog.No.MRD/MB/3/268/835 dated 31.7.2003. Sri R.Chandra Sekhar did not appear before the Medical Board on that day. On 6.9.2003 another call notice was issued to the Charged Officer by the Superintendent, Osmania General Hospital, Hyderabad to attend before the Regional Medical Board of the Osmania General Hospital on 15.9.2003 at 9.00 A.M. The Commissioner of Tribal Welfare, Hyderabad on 23.9.2003 requested the Superintendent, Osmania General Hospital to fix up another date well in advance. The Medical Board vide its letter dated 18.9.2003 directed the Charged Officer to appear before Regional Medical Board on 30.9.2003. The Charged Officer was informed by the CTW vide a telegram dated 29.9.2003. The Civil Surgeon Superintendent, Osmania General Hospital, Hyderabad Vide a letter dated 2.10.2003 asked the individual to appear before the Regional Medical Board on 15.10.2003 or 30.10.2003. The Commissioner of Tribal Welfare vide telegram dated 18.10.2003 asked the individual to attend the Medical Board on 30.10.2003, if he had not attended on 15.10.2003. The Osmania General Hospital authorities informed the Commissioner of Tribal Welfare that Sri R.Chandra Sekhar, Assistant Director had attended the Medical Board on 15.10.2003 and that he was asked to attend on 16.10.2003 for investigations and on 17th and 18th October 2003 for Specialists opinion, but he did not turnup before the Medical Board as instructed. The Commissioner of Tribal Welfare vide Memo dated 2.12.2003 has directed the individual to appear before the Medical Board on any working day at 9.00 A.M. for investigation and on any Monday, Wednesday, Thursday and Saturday for Specialist examination within 15 days. Sri R.Chandra Sekhar, Assistant Director vide his letter dated 15.4.2004 had informed the Commissioner of Tribal Welfare that he attended the Medical Board and requested to issue orders retiring him voluntarily. In another letter dated 18.8.2004 the individual informed that he attended the Medical Board on 15.10.2003 but he was asked to attend on 16th and 17th October 2003 and due to financial problem he could not stay in Hyderabad. The Commissioner of Tribal Welfare in his letter dated 10.9.2004 had requested the Superintendent, Osmania General Hospital to fix another date for Medical examination. The Superintendent, Osmania General Hospital vide his letter dated 23.9.2004 had informed that the individual did not turnup before the Medical Board. The Charged Officer failed to prove the correctness of the medical certificate produced by him inspite of several chances given to him to appear before the Medical Board.

4. On 29.7.2003, the Charged Officer had submitted explanation to the Charge Memo enclosing Xerox copies of investigation report received from the Medinova Diagnostic Services, Hyderabad dated 22.1.2001 and discharge summary report of Appollo Hospital, Hyderabad dated 20.7.2003 and requested to drop the charge and to permit him to retire from service voluntarily. The above copies submitted by him are not relevant to the context of the case as he was asked to report before the Medical Board in Osmania General Hospital, Hyderabad.

5. As the explanation of the Charged Officer was found not convincing, in the reference 3rd read above, the Commissioner of Tribal Welfare, had appointed Enquiry Officer and Presenting Officer to enquire in the matter. In the reference 4th read above, the Enquiry Officer had submitted his report to the Commissioner of Tribal Welfare. In his findings the Enquiry Officer had held that, the charge was proved. Basing on the report of the Enquiry Officer, the Commissioner of Tribal Welfare, had provisionally decided to impose a penalty of removal from service on the Charged Officer, and in the reference 5th read above, while enclosing the Enquiry Report, the Commissioner of Tribal Welfare had issued a Show Cause Notice to Sri R.Chandra Sekhar and directed him to submit his explanation within (15) days form the date of receipt of the Show Cause Notice. In the reference 6th read above, the Charged Officer had submitted his explanation within the stipulated period and requested to drop the charge.

6. In the reference 7th read above, the Commissioner of Tribal Welfare had also stated that as per note 4 under rule 18 of Fundamental Rules in all cases of unauthorized absence from duty for a continuous period exceeding one year, the penalty of removal from service shall be imposed on Government employee, and as per Sub Rule (27) (ii) under rule 11 of A.P.C.S.(CC & A) Rules,1991, the penalty of removal or dismissal can not be imposed on Gazetted Officer by the Head of the Department and hence requested the Government to pass final orders in the matter.

7. The report of the Commissioner of Tribal Welfare had been examined in detail. After having examined the report, it is found that the charge framed against Sri R.Chandra Sekhar, Assistant Director, office of the Director, Tribal Cultural Research & Training Institute has been proved. Therefore, Government in exercise of the powers under Rule 9 (ix), and Rule 11 of A.P.C.S.(CC & A) Rule,1991 and in pursuance of Note 4 under Fundamental Rule-18 of the Andhra Pradesh Government Fundamental Rules and Subsidiary rules, hereby order to impose punishment of removal from service on Sri R.Chandra Sekhar, Assistant Director, Tribal Cultural Research & Training Institute of Tribal Welfare Department for his unauthorized absence from duty for a continuous period exceeding one year i.e. from 10.11.2001 to 24.5.2005.

8. The Commissioner of Tribal Welfare, Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.TIGIDI
Special Chief Secretary to Government

To
Sri R.Chandra Sekhar, Assistant Director, Tribal Cultural Research & Training Institute
through Commissioner of Tribal Welfare, Hyderabad.
The Commissioner of Tribal Welfare, Hyderabad
The Principal Secretary, Andhra Pradesh Public Service Commissioner, Hyderabad.

Copy to:

The P.S. to Special Chief Secretary to Government (Tribal Welfare), Hyderabad
The P.S. to Minister (Tribal Welfare & Remote Interior Area Development)
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER